



Exports and Reexports to Syria

Overview

The Secretary of State has designated Syria as a country whose government has repeatedly provided support for acts of international terrorism. The United States does not have an embargo on Syria, but the Congress has been considering legislation to impose an embargo. The Bureau of Industry and Security (BIS) requires a license for virtually all items on the Commerce Control List (CCL) when proposed for export to Syria, except in a few instances when exporters may use a small set of eligible license exceptions. Items subject to the Export Administration Regulations (EAR) that are not specifically listed on the CCL (called “EAR99” items) do not require an export license to Syria unless you know, have reason to know, or are otherwise individually informed by BIS with respect to a specific transaction that the item will be used in activities related to nuclear, chemical, or biological weapons or missile delivery systems.

Background

The Secretary of State has designated Syria as a terrorist-supporting state, but the U.S. Government does not have an embargo on Syria. The Congress has considered legislation in the last two years that, if passed, would impose an embargo on Syria. At present (August 2003) both the Senate and the House of Representatives are considering legislation that calls on Syria to:

- halt its support for terrorism;
- end its occupation of Lebanon;
- stop its development of weapons of mass destruction; and
- account for the international security problems that it has caused in the Middle East.

Presently, BIS requires a license for virtually all items on the CCL when proposed for export to Syria, except in a few instances when exporters may use an eligible license exception. This license requirement includes items subject to anti-terrorism (AT) controls maintained by the U.S. Government for exports or reexports to Syria of U.S.-origin items. These AT controls fall into two categories: those controlled under section 6(a) of the Export Administration Act (EAA) of 1979, as amended; and those controlled under section 6(j) of the EAA. BIS has included a comprehensive listing of these items in Supplement No. 2 to Part 742 of the EAR.

BIS requires a license for the export or reexport of the following items to any end-user in Syria pursuant to section 6(a):

- all aircraft, helicopters, engines, and related spare parts and components, with the exception of aircraft parts and components to ensure the safety of flight of commercial passenger aircraft, which the U.S. Government reviews on a case-by-case basis with a presumption of approval;

- cryptographic, cryptanalytic, and cryptologic items;
- explosive detection equipment and related software and technology;
- commercial charges and devices;
- ammonium nitrate, including certain fertilizers containing ammonium nitrate; and
- technology for the production of Chemical Weapons Convention (CWC) Schedule 2 and 3 chemicals.

The U.S. Government reviews applications for items controlled for 6(a) reasons to determine if the items could make a significant contribution to the military potential of Syria or could enhance Syria's ability to support acts of international terrorism. If the assessment finds in the affirmative, the application is generally denied. Other applications of these items are considered on a case-by-case basis.

In addition, the following items are controlled by the U.S. Government pursuant to section 6(j):

- all items subject to National Security (NS) controls;
- all items subject to Chemical and Biological Weapons Proliferation (CB or CW) controls;
- all items subject to missile proliferation (MT) controls;
- all items subject to nuclear weapons proliferation (NP) controls; and
- Military-related items controlled for NS reasons and in an Export Control Classification Number (ECCN) on the CCL ending in "18".



BIS generally denies any license applications for such items when destined for the military, police, intelligence, or other end-users in Syria. Congress must be notified 30 days prior to issuance of a license for any 6(j) item. License applications for items controlled pursuant to section 6(a) are also reviewed to determine if this notification requirement is applicable based on the intended end-user.

BIS reviews proposed exports and reexports to Syria of all other items on a case-by-case basis if the proposed export is destined to non-military end-users or for non-military end-uses. In addition, BIS may approve a reexport license for U.S. origin controlled items if those items are incorporated into a foreign-made product and constitute 20 percent or less of the content

of the finished foreign-made product. Exports of controlled medical items are also reviewed on a case-by-case basis.

A reexport license is not required for U.S.-origin controlled items if the U.S. origin items are incorporated into a foreign product and constitute 10 percent or less of the total value of the foreign made product. However, certain U.S. controlled semiconductors, high speed interconnect devices, and encryption software are not eligible for this *de minimis* treatment.

Reexporters should consult part 734.4 of the EAR for more details on *de minimis* eligibility. Note that all aircraft-related items that require an export license to Syria, with the exception of items controlled in ECCNs 6A998, 7A994, and 9A991.d, are included as controlled U.S. content for purposes of determining the reexport licensing requirement.

There is no license requirement for exports and reexports for items classified as EAR99, unless you know, have reason to know, or are otherwise individually informed by BIS with respect to a specific transaction that the item will be used in activities related to nuclear, chemical, or biological weapons or missile deliver systems as defined in part 744 of the EAR. The "Know Your Customer" guidance in Supplement 3 to part 732 of the EAR is provided to explain the "knowledge" standard that applies to these license requirements. In addition, prior to any export, we recommend that you review the ten prohibitions outlined in part 736 of the EAR as part of your overall review of export requirements.

If you have specific inquiries regarding exports or reexports to Syria, please contact the BIS Export Counseling Division at 202-482-4811 or submit a query from the BIS webpage.

U.S. Trade with Syria

There has been modest BIS licensing activity for Syria, as a result of U.S. Government policy to support exports to civil Syrian end-users. Almost all of the items authorized for export are controlled for Anti-Terrorism (AT) reasons only. Authorized exports have been in three main commodity areas:

- computers for use in the oil and telecommunications industries -- The U.S. Government has limited computer exports to Syria to low level systems controlled at the AT level with performance capabilities no higher than about 4,000 Millions of Theoretical Operations per Second (MTOPS);
- aircraft parts and components to ensure the safety of flight of Syrian commercial passenger aircraft; and
- telecommunications equipment for the Syrians' effort to upgrade their antiquated civil telecommunications network.

Licensed Trade with Syria: Number

	2001	2002	Jan.-June 2003
Approved	104	93	71
Denied	11	5	4
Returned without Action	35	55	22

Licensed Trade with Syria: Value

	2001	2002	Jan.-June 2003
Approved	\$73.1 million	\$109.7 million	\$157.6 million
Denied	\$ 86,000	553,000	\$ 421,000
Returned without Action	\$13.2 million	\$ 14.4 million	\$ 2.8 million

- Source: Bureau of Industry and Security ECASS Licensing Database, August 2003

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**All Export Commodities: FAS Value by FAS Value
For Syria**

U.S. Total Exports

Annual + Year-To-Date Data from Jan - May

HTS Number	2001	2002	2002 YTD	2003 YTD
	<i>In Actual Dollars</i>			
1005902030 YELLOW DENT CORN (MAIZE), U. S. NO. 2, EXCEPT SEED	44,698,129	48,857,012	15,911,563	17,034,753
1005902035 YELLOW DENT CORN (MAIZE), U. S. NO. 3, EXCEPT SEED	16,229,411	29,893,395	10,455,225	0
8431438010 PARTS OF OIL AND GAS FIELD MACHINERY OF SUBHEADING 8430.49 EXCEPT PARTS OF OFFSHORE DRILLING AND PRODUCTION PLATFORMS	15,445,518	29,247,955	17,404,540	4,884,883
2402200000 CIGARETTES CONTAINING TOBACCO	19,794,432	15,494,333	10,859,662	4,546,525
1201000040 SOYBEANS, WHETHER OR NOT BROKEN, EXCEPT SEEDS FOR SOWING	906,688	13,070,746	6,272,218	0
Subtotal :	97,074,178	136,563,441	60,903,208	26,466,161
All Other:	129,229,167	137,490,547	54,030,710	38,760,768
Total	226,303,345	274,053,988	114,933,918	65,226,929

Sources: Data on this site have been compiled from tariff and trade data from the U.S. Department of Commerce, the U.S. Treasury, and the U.S. International Trade Commission.



U.S. Trade Balance with Syria

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Trade with Syria : 2003

NOTE: All figures are in millions of U.S. dollars

MONTH	EXPORTS	IMPORTS	BALANCE
January	10.60	33.50	-22.90
February	11.80	79.10	-67.30
March	15.70	21.90	-6.20
April	8.40	6.50	1.90
May	18.80	24.10	-5.30
TOTAL	65.20	165.20	-100.00

- TOTALS may not add due to rounding.
- Table reflects only those months for which there was trade.
- CONTACT: Data Dissemination Branch, (301)763-2311
- SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233

Trade with Syria : 2002

NOTE: All figures are in millions of U.S. dollars

MONTH	EXPORTS	IMPORTS	BALANCE
January	24.50	3.30	21.20
February	25.40	12.50	12.90
March	15.90	5.50	10.40
April	25.30	14.90	10.40
May	24.00	4.30	19.70
June	27.90	15.60	12.30
July	26.00	15.30	10.70
August	19.80	13.80	6.00
September	20.00	4.70	15.30
October	31.20	14.70	16.50
November	16.20	31.20	-15.00

December	18.00	25.10	-7.10
TOTAL	274.10	160.80	113.30

- *TOTALS may not add due to rounding.*
- *Table reflects only those months for which there was trade.*
- *CONTACT: Data Dissemination Branch, (301)763-2311*
- *SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233*

Trade with Syria : 2001

NOTE: All figures are in millions of U.S. dollars

MONTH	EXPORTS	IMPORTS	BALANCE
January	13.70	31.80	-18.10
February	20.70	11.40	9.30
March	14.40	21.40	-7.00
April	17.40	7.30	10.10
May	13.20	5.00	8.20
June	17.60	18.80	-1.20
July	24.80	16.80	8.00
August	21.00	18.60	2.40
September	15.30	7.40	7.90
October	20.70	4.80	15.90
November	32.00	4.70	27.30
December	20.60	10.60	10.00
TOTAL	231.40	158.50	72.90

- *TOTALS may not add due to rounding.*
- *Table reflects only those months for which there was trade.*
- *CONTACT: Data Dissemination Branch, (301)763-2311*
- *SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233*